

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CESAR R. BANKS,

Plaintiff,

v.

Case No. 10-C-410

**JULIE HOOPER,
and BELINDA SCHRUBBE,**

Defendants.

ORDER

Pro se plaintiff, Cesar R. Banks, is proceeding in forma pauperis under 42 U.S.C. § 1983, on a claim that he was unable to read and suffered burning pain in his eyes because the defendants refused to provide him with new eyeglasses. On May 26, 2011, defendants filed a motion seeking summary judgment. Defendants submit that although this case rests on an allegation about plaintiff's medical care, he has refused to release his medical records. Defendants further maintain that plaintiff has failed to present any evidence that either defendant acted with deliberate indifference to a serious medical need.

Plaintiff has not responded to defendants' motion. A review of this file indicates that plaintiff has not filed anything at all in well over a year, with his last filing received on July 6, 2011. All subsequent mailings to plaintiff have been returned by the postal service as undeliverable, including a warning that this case would be subject to dismissal if plaintiff failed to respond to motions as required. Consequently, I will grant defendants' motion for summary judgment on the merits, due to plaintiff's refusal to release his medical records and his failure to present evidence in support of his claims.

IT IS THEREFORE ORDERED that defendants' motion for summary judgment (Doc. # 27) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk of Court enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 26th day of September 2011.

s/_____
LYNN ADELMAN
District Judge